IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Crl.Rev.Pet.No. 4398 of 2006()

C.C.33/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

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REVISION PETITIONER/APPELLANT/ACCUSED:

K. VELAYUDHAN, SON OF KANARI,
AGED 65 YEARS, "MANASA", P.O. THIRUVANGAD,
THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.M.P.MOHAMMED ASLAM

RESPONDENTS/COMPLAINANT/STATE:

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1. T.K. PRABHAKARAN, SON OF KANARAN,
CLERK, SURENDRAN & CO., T.C.ROAD, THALASSERY.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No. 4398 of 2006

Dated this the 9th day of February, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for one month. The learned counsel for the revision petitioner has sought only for time to pay the amount and for modification of the sentence.

2. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a sum of Rs.25,000/- as compensation to the complainant vide Section 357 (3) of Criminal Procedure Code and in default to undergo simple imprisonment for one month. The revision petitioner/ accused is granted four months' time today onwards. The accused shall appear before the Judicial First Class Magistrate Court, Thalassery on 11.6.2007.

The revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl